

Entered - 9-14-00 - sb
CL 00L0564 - GWENDOLYN BURNS

CLAIM OF: TERRY A. MARTIN
P.O. Box 373108
Decatur, Georgia 30037

01-R-0505


For vehicular damages alleged to have been sustained as a result of an unraised sewer manhole in the roadway on May 28, 2000 at Peachtree Street, NE & Ralph McGill Boulevard.

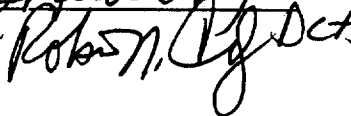
**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **TERRY A. MARTIN** the sum of **\$697.73** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of an unraised sewer manhole in the roadway on May 28, 2000 at Peachtree Street, NE & Ralph McGill Boulevard as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY:


ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0564

Date: March 17, 2001

Claimant /Victim TERRY A. MARTIN
BY: (Atty) (Ins. Co.) _____
Address: P.O. Box 373108, Decatur, Georgia 30037
Subrogation: _____ Claim for Property damage \$ 697.73 Bodily Injury \$ _____
Date of Notice: 9/11/00 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/28/00 Place: Peachtree Street, NE & Ralph McGill Boulevard
Department PUBLIC WORKS Division: Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant's vehicle sustained damage when she drove over an unraised sewer manhole in the roadway. An investigation determined that the City had notice of the condition of the manhole but failed to correct it.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 697.73 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____
Claims Manager:  Concur/date 3/31/01
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

SEP 11

RE: CLAIM FOR DAMAGES

Today's Date: 9-13-00

BURNS
09/13/00
R

09-11-00P13:03 RCVD

Dear Municipal Clerk:

ENTERED - 9-14-00 - SB
00L0564 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 697.73 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 5-28-00 2. Time of Incident: 10:00 3. Police called: Yes ☒ No
4. Location of incident (including street address): Downtown Peachtree + Ralph McGill Blvd
5. Name of your insurance company: InterState Indemnity Policy No. 99GA 50322
6. State what and how incident occurred: I was traveling down Peachtree rd downtown and my car fell into a pothole. The left side of my car fell in the hole. A large Pot hole or Manhole

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Honda Civic 94 750 PQ Terry A. Martin
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: N/A N/A N/A
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Henry Gresham 2000 Bouldercrest rd. GA Home # 404-244-1242
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Terry A. Martin
(Print Claimant's Name)

PO Box 373107
(Address)

Decatur, GA 30030
(City, State and Zip Code)

770-444-0273 404-244-923
(Work Number) (Home Number)

01-R-0505